

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**Division of Housing Policy Development**

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November 10, 2004

Mr. Scott Friend  
City Planner  
City of Biggs  
3016 Sixth Street  
Biggs, California 95917

Dear Mr. Friend:

**RE: Review of the City of Biggs' Draft Housing Element**

Thank you for submitting Biggs' draft housing element, received for review on September 11, 2004 along with revisions transmitted by email on November 5, 2004. The Department is required to review draft housing elements and report the findings to the locality, pursuant to Government Code Section 65585(b). The review was assisted by conversations with you and Mr. Mike Martin, the City's consultant, during October and November 2004.

The Department appreciates the City's efforts to develop a meaningful housing element and recognizes Biggs' commitment to provide rehabilitation assistance to lower-income households. However, some revisions to the housing element will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element should include a more detailed analysis of sites available to accommodate Biggs' share of the regional housing need for low-income households, and identify sites or zones to accommodate housing for farmworkers. The enclosed Appendix describes the changes needed to comply with State housing element law.

Also, we are pleased to report, as a result of the approval of Proposition 46, a historic increase in funds available, on a competitive basis, through the Department to assist in addressing housing and community development needs. Information on these programs, including Notices of Funding Availability (NOFA), is posted on the Department's website. For program information and funding availability, please consult our homepage at [www.hcd.ca.gov](http://www.hcd.ca.gov).

The Department hopes these comments are helpful. The Department appreciates the courtesy and assistance you and Mr. Martin provided during the course of the review. If you have any questions or would like to discuss any technical assistance, please contact Rita Levy, of our staff, at (916) 324-9629.

Mr. Scott Friend

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In accordance with requests pursuant to the Public Records Act, copies of this letter have been forwarded to the persons and organizations listed below.

Sincerely,

A handwritten signature in black ink that reads "Cathy E. Creswell". The signature is written in a cursive, flowing style.

Cathy E. Creswell  
Deputy Director

Enclosure

cc: Mike Martin, Consultant, Pacific Municipal Consultants  
Mark Stivers, Senate Committee on Housing & Community Development  
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office  
Terry Roberts, Governor's Office of Planning and Research  
Nick Cammarota, California Building Industry Association  
Marcia Salkin, California Association of Realtors  
Marc Brown, California Rural Legal Assistance Foundation  
Rob Weiner, California Coalition for Rural Housing  
John Douglas, AICP, Civic Solutions  
Deanna Kitamura, Western Center on Law and Poverty  
S. Lynn Martinez, Western Center on Law and Poverty  
Alexander Abbe, Law Firm of Richards, Watson & Gershon  
Michael G. Colantuono, Colantuono, Levin & Rozell, APC  
Ilene J. Jacobs, California Rural Legal Assistance, Inc.  
Richard Marcantonio, Public Advocates

## APPENDIX

### CITY OF BIGGS

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The following changes would bring the City of Bigg's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change we cite the supporting section of the Government Code.

Housing element technical assistance information is available through your HCD representative or on our website at [www.hcd.ca.gov](http://www.hcd.ca.gov). Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Elements section contains the Department's publication *Housing Element Questions and Answers (Qs & As)* and the Government Code addressing State housing element law.

#### **A. Housing Needs, Resources and Constraints**

1. *Include an inventory of land suitable for residential development, including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).*

Although vacant sites identified in November 5, 2004 revisions to Tables 8.32 and 8.33 (pages 8-37 & 38) indicate 98 units can be developed over the planning period to accommodate the total regional housing share, the element does not demonstrate sufficient sites to accommodate the housing needs of lower-income households. The inventory does not identify any R-3 (20 units per acre) zoned vacant land. Although the inventory shows 16 R-2 zoned sites (14 units per acre) can theoretically accommodate 35 units, the element must demonstrate the adequacy of R-2 zoned sites to accommodate housing affordable to lower-income households. The element should be revised to describe past development trends, particularly on small (.17-.36 acre) lots, sales prices and rent levels of housing developed within these zones, and incentives the City will provide to facilitate development of housing affordable to lower-income households, and where necessary or possible, lot consolidation.

The inventory could also include non residential land which could be redesignated for residential use, sites where mixed commercial and residential uses are allowed, or sites where rezoning to allow higher densities may be appropriate.

#### **B. Housing Programs**

*Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing (Section 65583(c)(1)).*

Absent a complete land inventory, it is not possible to evaluate the adequacy of existing sites and programs. Depending on revisions to the land inventory, the City may need to expand and/or strengthen programs to provide sufficient sites.

Revisions submitted November 5, 2004 included a new Program 2.11 (Annexation–R-3 Development) to identify land in the sphere of influence appropriate to designate as R-3. However, in describing specific actions, the program does not commit the City to initiate annexation or take other actions needed to ensure annexation will occur. If annexation is needed to provide adequate sites, this program should be revised to commit the City, early in the planning period, to initiate annexation of an adequate amount of R-3 zoned land. Note, as an alternative to annexation, the City could develop a program to redesignate existing sites to R-3, encourage consolidation of small lots (such as APN 022-150-032 and 033), and promote second units and/or mixed-use development to facilitate the development of housing for lower-income households.

In regards to housing for farmworkers, while the element indicates farmworker housing is allowed in R-3 zones, the element does not identify any available sites in the R-3 zone. Also, although Program 2.2 commits the City to amending its Zoning Ordinance to comply with State law requiring employee housing for six or fewer employees be deemed a single-family use, this action alone does not meet the requirement for Biggs to identify sites or zones to address the need for housing for farmworkers.

**C. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)).*

Although the element describes the City's public participation efforts, it does not describe how the City made a diligent effort to achieve participation of all economic segments or how public comments were received or considered and incorporated in the element.